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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# NEW UTILITY PATENT APPLICATION TRANSMITTAL

*(only for new nonprovisional applications under  
37 CFR 1.53(b))*

<i>Attorney Docket Number</i>	20423-08314
<i>First Named Inventor</i>	William E. Sobel
<i>Title</i>	System State Rollback After Modification Failure
<i>Express Mail Label No.</i>	EV 333134326 US

<b>APPLICATION ELEMENTS</b>		<b>ACCOMPANYING APPLICATION PARTS</b>	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))		
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	8. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>		
3. <input checked="" type="checkbox"/> Specification <span style="float: right;"><i>Total Pages</i> <input type="text" value="29"/></span>	9. <input type="checkbox"/> Power of Attorney or Authorization of Agent		
(preferred arrangement set forth below)			
<input type="checkbox"/> Descriptive Title of the Invention			
<input type="checkbox"/> Cross Reference(s) to Related Case(s)			
<input type="checkbox"/> Statement Regarding Fed sponsored R & D			
<input type="checkbox"/> Background of the Invention			
<input type="checkbox"/> Brief Summary of the Invention			
<input type="checkbox"/> Brief Description of the Drawing(s)			
<input type="checkbox"/> Detailed Description			
<input type="checkbox"/> Claim or Claims			
<input type="checkbox"/> Abstract of the Disclosure			
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;"><i>Total Sheets</i> <input type="text" value="4"/></span>	11. <input type="checkbox"/> Preliminary Amendment		
5. Oath or Declaration	12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449		
a. <input checked="" type="checkbox"/> New Declaration/Power of Attorney <span style="float: right;"><i>Total Pages</i> <input type="text" value="2"/></span>	<input type="checkbox"/> Copies of IDS Citation(s)		
<input checked="" type="checkbox"/> Executed (original or copy)			
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>	13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent		
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).			
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	14. <input checked="" type="checkbox"/> Return Postcard		
15. <input type="checkbox"/> _____			
16. <input type="checkbox"/> _____			
17. <input type="checkbox"/> _____			
<b>ADDRESS TO:</b>			
Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450			

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For **CONTINUATION OR DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

34415

Customer Number

Name (Print/Type)	Jeffrey Brill	Registration No. (Attorney/Agent)	51,198
Signature		Date	February 9, 2004

20423/08314/DOCS/1410894.1

22581 U.S.PTO  
10/775471

# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,112.00)

Complete if Known	
Application Number	Not yet known
Filing Date	February 9, 2004
First Named Inventor	William E. Sobel
Examiner Name	Not yet known
Art Unit	Not yet known
Attorney Docket No.	20423-08314

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Fee	Fee	Fee	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee		770		
1002 340	2002 170	Design filing fee				
1003 530	2003 265	Plant filing fee				
1004 770	2004 385	Reissue filing fee				
1005 160	2005 80	Provisional filing fee				
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>770</b>			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	32 -20** =	12 x 18	= 216
Independent Claims	4 -3** =	1 x 86	= 86
Multiple Dependent			
Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	**Reissue independent claims over original patent	
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>		<b>(\$)</b>	<b>302</b>

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
<b>SUBTOTAL (3)</b>		<b>(\$)</b>	<b>40</b>

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type)	Jeffrey Brill	Registration No. (Attorney/Agent)	51,198	Complete (if applicable)
Signature				Date
				February 9, 2004

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	William E. Sobel
Title	System State Rollback After Modification Failure
Atty Docket Number	20423-08314

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 9, 2004

Date



Signature

Jeffrey Brill, 51,198

Typed or printed name, Reg. No.:

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**